

ATTORNEY DOCKET NUMBER: 2001180-0028

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Stockwell *et al.* Examiner: Hsu, G.  
Serial No.: 09/361,576 Art Unit: 1627  
Filing Date: July 27, 1999  
Title: METHOD OF HIGH-THROUGHPUT SCREENING OF MOLECULES  
AND COMPOUNDS FOR THEIR EFFECTS ON BIOLOGICAL AND  
CHEMICAL PROCESSES

COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

**STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE**  
**UNDER 37 CFR §§1.56, 1.97 AND 1.98**

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Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant respectfully requests consideration of this Supplemental Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

(Select A, B or C below)

- A. ☒ This Information Disclosure Statement has been filed:  
(check 1, 2 and/or 3 below)
1. ☐ within three months of the filing date of the above identified U.S. Patent application;
  2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application; and/or
  3. ☒ before the mailing date of the first Office Action on the merits in the above-identified application.

No fee or certification is required.

- B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of the present application and after the mailing date of this first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(check 1 or 2 below)

1. ☐ The fee of \$240 as set forth in 37 C.F.R. §1.17(p) is enclosed; or
2. ☐ Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that  
(check a or b below)
  - a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement; or
  - b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
  - c. ☐ items indicated by an asterisk were identified in a recent review of related files.

- C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

(check 1, 2, and 3 below)

1. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:  
(check a or b below)

- a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
  - b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
- 2. ☐ A Petition requesting consideration of the Information Disclosure Statement is attached.
  - 3. ☐ The Petition Fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II - Information Cited

- A. ☒ The Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.
- B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

- A. ☐ The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):
- B. ☐ The following are remarks concerning the other information cited:


## PART IV: Remarks

- A. ☒ Copies of references  
(check 1 or 2 below)
1. ☒ A copy of each of the references cited on the attached form PTO-1449  
(modified) is enclosed;
2. ☐ Copies of certain of the references cited on the attached form PTO-1449  
(modified) are not enclosed because each of these references (indicated by  
asterisk) was previously cited by or submitted to the Office in a prior  
application, which prior application is relied upon for an earlier filing date  
under 35 U.S.C. § 120.
- B. ☒ It is respectfully requested that:  
(check 1, 2, and 3 below)
1. ☒ The Examiner consider completely the cited information, along with any  
other information, in reaching a determination concerning the patentability  
of the present claims;
2. ☒ The enclosed form PTO-1449 be signed by the Examiner to evidence that  
the cited patent(s) and publication(s) has (have) been fully considered by  
the Patent and Trademark Office during the examination of this  
application;
3. ☒ The citations for the patent(s) and publication(s) be printed on any patent  
which issues from this application.
- C. ☒ By submitting this Information Disclosure Statement, Applicants make no  
representation that a search has been performed, of the extent of any search  
performed, or that more material information may not exist.

- D. [X] By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).
- E. [X] By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.
- F. [X] Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Please charge any additional fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

  
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<b>Form PTO-1449</b> <b>(REV. 8-83)</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <i>(Use several sheets if necessary)</i>	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket: 2001180-0028	In re Application No. 09/361,576
		Applicants: Stockwell, et al.,	
		Filing Date: July 27, 1999	Group: 1627

### U. S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	5,616,471	Stuart H. Yuspa	April 1, 1997	435	29

### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
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<b>EXAMINER</b>		<b>DATE CONSIDERED</b>	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			